NM 6 25 PM
6-24-68
JWP

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
JUN 24 1968
TELETYPE

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FBI WASH DC

FBI MEMPHIS

451 PM URGENT 6/24/68 TSJ

TO: DIRECTOR (44-38861)

FROM MEMPHIS (44-1987)

MURKIN.

NO PERTINENT DEVELOPMENTS TODAY IN THIS MATTER.

P.

END

JTM

FBI WASH DC

TUP

REC 29 44-38861-5255

5 MAY 23 1969

F B I

JUN 24 8 30 AM '68

DIVISION FIVE
MAIL ROOM

50 MAY 27 1969

REC'D - CIV RIGHTS
FBI
JUN 25 6 58 AM '68

F B I

JUN 24 5 54 PM '68

REC'D - CIV RIGHTS
FBI
JUN 25 11 34 AM '68

RECEIVED
GENERAL INVESTIGATIVE
DIVISION STLO

JUN 24 6 30 PM '68

F. B. I.
U. S. DEPT. OF JUSTICE

FD-36 (Rev. 5-22-64)

FBI

Date: 5/21/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AM
(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) P

MURKIN

Enclosed for the Bureau are two copies of an "Amendment to Motion for a New Trial" which was received at the office of the District Attorney General on 5/19/69.

2 BUREAU (Enc. 2) ENCLOSURE
1 MEMPHIS

JCH:BN
(3)

1cc: AAG Civil Rights Division
Form B-04

MAY 22 1969
CIVIL RIGHTS UNIT

REC-110 44-1987-5756

15 MAY 23 1969

Approved: R C Jensen Sent _____ M Per _____
Special Agent in Charge

56 MAY 29 1969

5/21/69

AIRTEL 5/23/69

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987)

MURKIN

Enclosed for the Bureau are two copies of an "Amendment to Motion for a New Trial" which was received at the office of the District Attorney General on 5/15/69.

2 - Bureau (Enc. 2)
1 - Memphis

JCM:BK
(3)

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE

VS

JAMES EARL RAY,
Defendant

NO. 16645

AMENDMENT TO MOTION FOR A NEW TRIAL

Comes now your petitioner, JAMES EARL RAY, defendant in the above styled cause, by and through his attorneys, Richard J. Ryan, J. B. Stoner and Robert W. Hill, Jr., and amends his Supplemental Motion for a New Trial to add the following grounds, to-wit:

1. That he was denied effective counsel

2. That the preponderance of the evidence was not such as to support a jury verdict of guilty

3. That there was no evidence introduced upon which he could be found guilty

4. That since Judge Battle has died, and he is the only one who could have tried the above questions, he is, as a matter of law, entitled to a new trial.

Respectfully submitted,

RICHARD J. RYAN

J. B. STONER

ROBERT W. HILL, JR.

ENCLOSURE

44-38861-5756

NOTICE OF SERVICE

Copy of the Amendment to Motion for a New Trial delivered personally to the office of the District Attorney General on May 19, 1969, at 1:40 P.M.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
JUN 11 1968

TELETYPE FBI WASH DC

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI SANDIEGO

4-27 PM URGENT 6-11-68 ATJ

TO DIRECTOR (44-38861) MEMPHIS (44-1987) LOS ANGELES (44-1574) (56-156) SEATTLE (44-371) AND RICHMOND

FROM SAN DIEGO 2P

MURKIN. SAN DIEGO FILE FOUR FOUR DASH THREE EIGHT SEVEN.

KENSALT. SAN DIEGO FILE FOUR FOUR DASH THREE NINE FOUR.

MR. JOSEPH FORROR, ASSISTANT POSTMASTER, MAIN POST OFFICE, SAN DIEGO, CALIFORNIA, ADVISED AS FOLLOWS JUNE ELEVEN INSTANT:

FOUND ON THE INCOMING MAIL BELT WAS A PIECE OF PAPER NOT IN AN ENVELOPE IN GREEN INK ADDRESSED TO POST OFFICE, ATTENTION POSTMASTER, WHICH READ AS FOLLOWS:

"IF THE FBI WANTS RAY'S BUDDY GO TO ONE TWO FOUR BROADWAY METROPOLE HOTEL, NUMBER ONE ONE SEVEN. HE MAY BE UNDER THE NAME 'GEORE' LETSINGER OR GEORGE ANDERSON. HE KNOWS ABOUT KENNEDY AND ALSO KING'S DEATHS. HE MAY HAVE PART IN KING'S DEATH. I KNOW HE WAS IN TENNESSEE BEFORE AND AFTER KING WAS KILLED.

END PAGE ONE

REC 54 44-38861-5757

NR-Bufiles Indices on Letsinger. George Andrew Anderson, a Negro, male, born 2-18-23 wanted by Denver for UFAP-Forgery (Bufile 88-40893)

Ident has record on George Robt. Letsinger FBI 584 742 F which may be ident. Copies being obtained. Ident taking no further action. no wants.

MAY 26 1969

6/12/67

UNRECORDED COPY FILED IN 62-587

59 MAY 29 1969

Thermo - Shroder, Trimbach, Long

SD 44-387

SD 44-394

PAGE TWO

I KNOW LETSINGER IS WANTED IN SEATTLE. ALSO IN BIT STONE GAP, VIRGINIA, BY THE FBI."

ABOVE LETTER WAS UNSIGNED.

BUREAU AND ALL OFFICES REQUESTED TO FURNISH ANY INFORMATION REGARDING "GEORE" LETSINGER OR GEORGE ANDERSON, PARTICULARLY IF WANTED IN SEATTLE OR BIG STONE GAP, VIRGINIA.

NO ATTEMPT BEING MADE TO INTERVIEW LETSINGER, AKA ANDERSON UNTIL RESULTS FROM BUREAU AND ALL OFFICES.

END

SLB

FBI WASH DC

CC- MR. TROTTER

JUN 11 8 06 PM '68

U.S. DEPT. OF JUSTICE

JUN 11 7 30 PM '68

FBI

FD-36 (Rev. 5-22-64)

Mr. Tolson
Mr. DeLoach
Mr. [illegible]
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI

Date: 5/23/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AM
(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) P

MURKIN

Enclosed are two copies each of "Reply Brief" and "Motion to Strike Amendment to Motion for New Trial" furnished by office of the District Attorney General, Memphis, Tennessee, on this date in captioned matter.

2 BUREAU (Enc. 4)
1 MEMPHIS
RGJ:BN
(3)

4 ENCLOSURE

REC-111 44-[illegible]-5758

25 MAY 24 1969

lec: AAG Civil Rights Division
Form 8-94

MAY 22 1969
CIVIL RIGHTS UNIT

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

56 JUN 2 1969

RECEIVED
INVESTIGATIVE
DIVISION

MAY 24 3 12 PM '69

F. B. I.

U.S. DEPT. OF JUSTICE

U.S. DEPT. OF JUSTICE

MAY 26 7 31 AM '69

FBI

MEMPHIS

MAY 26 1969

2025 RELEASE UNDER E.O. 14176

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION II

STATE OF TENNESSEE	I	
VS.	I	NO. 16645
JAMES EARL RAY	I	

MOTION TO STRIKE AMENDMENT
TO MOTION FOR NEW TRIAL

Comes now Phil M. Canale, Jr., District Attorney General for the Fifteenth Judicial Circuit of Tennessee and for the State of Tennessee would show the Court as follows:

That all allegations of fact in conclusion in the Amendment to Motion for New Trial are denied.

State of Tennessee moves the Court to strike the Amendment to Motion for New Trial on the grounds previously cited in the State of Tennessee's Motion to Strike to the Supplemental Motion for New Trial.

PHIL M. CANALE, JR.
DISTRICT ATTORNEY GENERAL
FIFTEENTH JUDICIAL CIRCUIT
STATE OF TENNESSEE

NOTICE OF SERVICE

Copy of Motion to Strike Amendment to Motion for New Trial delivered personally to attorney for defendant, Richard J. Ryan, on May 23, 1969, at _____m.

8515-1988 E 44 ENCLOSURE

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION II

STATE OF TENNESSEE	I	
VS.	I	NO. 16645
JAMES EARL RAY	I	

REPLY BRIEF

The Petitioner in this cause filed an amendment to his Supplemental Motion for New Trial and a Memorandum of Authorities after the State of Tennessee had filed its Motion to Strike accompanied with a Memorandum of Authorities; therefore, State of Tennessee feels it proper to file a Reply Brief.

In essence Petitioner relies on two grounds in his Motion for New Trial. His first ground is based on Tennessee Code Annotated 17-117, and the admitted fact of Judge Battle's death within thirty days of Petitioner's plea of guilty, conviction, and sentencing thereon. In support of this ground the Petitioner cites a number of cases, all of which with the exception of Swang v. State 42 Tenn. 212 and Knowles v. State, which will be discussed later, were cases in which an actual trial was had. None of the cases so cited are applicable to our particular situation; for example, Howard v. State 399 S.W.2d 739 was a case tried in this same division, and in which Judge Campbell had not signed the minutes of the conviction on the trial and sentencing prior to his death. The cause was of course reversed as a court speaks only through its minutes. In the case of Knowles v. State cited by the Petitioner, a guilty plea was set aside because no evidence was presented to the jury. Of course, in our particular situation evidence was presented, see State of Tennessee exhibits, and further, it

has been held by the Supreme Court of Tennessee since the Knowles case that a Petitioner present with attorney entering guilty plea and not objecting to statements made by the District Attorney General through stipulation is estopped from relying on the statute requiring evidence on a guilty plea. Barnes v. Henderson 423 SW2d 497 (1968).

To properly understand the purpose of the statute relied upon, Tennessee Code Annotated 17-117, one must return to the elementals of law. A trial is most commonly defined as a judicial investigation and determination of the issues between the parties to an action. The word is commonly used to designate that step in an action by which issues or questions of fact are decided but often signifies an examination of matters of law as well. 53 Am Jur Trial, Section 2, page 28. To further understand a "trial" the word issue must be defined. An issue is matter presented by a pleading which raises a point of fact or of law, or both, in a pending suit, requiring determination of a judicial tribunal. The production of an issue is the chief object of all pleading, and an issue arises on the pleadings when a fact or conclusion of law is maintained by the pleadings of one party and is controverted by the pleadings of the other. 71 CJS Pleadings, Section 512, page 1068. Issue has been further defined as a disputed point, Vita Graph Company of America v. Swaab 94 A. 126, or matter affirmed on one side and denied on the other. The Tordenskjold 53 F.2d 266. Further, as a point in dispute between parties on which they put their cause to trial. Martin v. Columbus 127 N.W. 411 (Ohio). In Tennessee it has been held when referring to issues raised by the proof that the word issue when thus used means facts put in controversy by the pleadings. Taylor v. State 212 Tenn. 187 at page 191.

To go even further a new trial is defined as a remedy

which is afforded to the litigant consisting of a re-examination of an issue by the trial court with a view to correcting errors which have occurred in the course of a preceding trial. 39 Am Jur New Trial, Section 2, page 33.

It is axiomatic then that Tennessee Code Annotated 17-117 pertains and applies only to a trial that is a contest of disputed issues and a judicial determination thereof. The Petitioner in this cause has never had a trial and of course cannot have a new trial. The Petition should be more properly titled a Motion for a Trial.

The death of Judge Battle can have no affect on the rights, if any, of the Petitioner as the situation is more analagous to the situation contemplated by Tennessee Code Annotated 17-118 rather than 17-117. Judge Battle had accepted the guilty plea, heard evidence, accepted the verdict of the jury thereon, sentenced and executed the verdict and signed the minutes of his actions therein. There was nothing further for Judge Battle to do in this matter. The only relief Judge Battle could have given Petitioner if he were still alive would be under a Writ of Habeas Corpus, a Petition for Postconviction Relief or a Motion to Withdraw his plea of guilty if the proper and required grounds were present. If the required grounds are present, any other court of the proper jurisdiction and standing could grant the same relief. Therefore, it is inescapable that Judge Battle's death has not prejudiced the rights, if any, of the Petitioner and that Tennessee Code Annotated 17-117 is not applicable.

The other ground on which Petitioner relies in his alleged Motion for a New Trial, more properly called a Motion for a Trial, the essence seems to be lack of competent counsel. As cited in the State of Tennessee's previous Memorandum of Authorities, Richmond v. Henderson, March 26, 1969, the Supreme

Court of Tennessee pointed out that the due process test for incompetency of counsel is conduct making the trial a farce, sham or mockery of justice. The case cited by the Petitioner, Swang v. State 42 Tenn. 212, states this test clearly when it says to disregard guilty plea there must appear a total misrepresentation of the prisoner's rights through official (emphasis supplied) misrepresentation, fear or fraud. In that particular case the court stated that a statement of the facts were unprecedented in the judicial history of the State and in effect amounted to common barratry and official oppression. In the two cases cited by Petitioner, State of Tennessee ex rel Owens v. Russell, Unreported Opinion of the Criminal Court of Appeals and Henderson v. State ex rel Lance 419 SW2d 176, the situation is a total misrepresentation of a fact to the defendant on a plea of guilty. In one, the Petitioner's attorney, the court and District Attorney General advised the Petitioner on his plea of guilty that his time would run concurrent with his parole violation and as pointed out as a matter of law, the court could not do this. This then was a total misrepresentation of a fact, and the plea was set aside. In the other case it was alleged that the District Attorney and the Petitioner's defense attorney entered into a conspiracy to trick the defendant into pleading guilty by lying to him as to the amount of time Petitioner would have to serve before being paroled. On the trial court's dismissal of the habeas corpus, the Court of Appeals held that an evidentiary hearing should have been granted and reversed for that purpose.

In the instant situation there is no allegation of official oppression, misrepresentation, or fraud. The only allegation is that certain financial dealings between the Petitioner and his privately retained counsel create a situation in which such counsel "forced" the Petitioner to plead guilty.

Under Richmond v. Henderson supra the allegation does not raise even the question required by law for the lack of effective or competent counsel or under the requirements set forth in the Swang case cited by the Petitioner. Therefore, assuming for purpose of argument Petitioner's allegations to be true, the court as a matter of law should dismiss Petitioner's alleged Motion for New Trial.

Respectfully submitted,

PHIL M. CANALE, JR.
DISTRICT ATTORNEY GENERAL

NOTICE OF SERVICE

Copy of Reply Brief delivered personally to attorney for defendant, Richard J. Ryan, on May 23, 1969, at _____m.

FD-36 (Rev. 5-22-64)

F B I

Date: 5/22/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AM
(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) P

MURKIN

Enclosed are two copies of Amended Petition filed in U. S. District Court, Nashville, Tennessee, 5/21/69, in captioned matter.

2 BUREAU (Enc. 2)
1 MEMPHIS

RGJ:BN
(3)

Encl. Bureau

REC 109 44-38861-5159

3 MAY 23 1969

Ltr: AAG Civil Rights Division
Form 8-64

MAY 26 1969
CIVIL RIGHTS UNIT

54 JUN 2 - 1969

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

AIRTEL AM

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1647) :

CONTEN

Enclosed are two copies of Amended Petition
Filed in U. S. District Court, Nashville, Tennessee, 3/31/69,
in captioned matter.

(3) BUREAU (Enc. 2)
1 MEMPHIS

MCG:RM

RECEIVED
FBI
MAY 23 4 50 PM 1969
GENERAL INVESTIGATIVE

F. B. I.
U S DEPT OF JUSTICE
MAY 23 4 54 PM '69

RECD - CIV RIGHTS
FBI

MAY 27 1969

Mr. Nichols
F.B.I.

Lodged
5-21-69

TO THE HONORABLE JUDGE WILLIAM E. MILLER OF THE DISTRICT COURT,

MIDDLE DIVISION, TENNESSEE

JAMES EARL RAY,	$	
Resident of Tennessee; Legal resident of or domicile in ILLINOIS,	$	NO. 5380
Petitioner	$	
VS.	$	
PERCY FOREMAN, Resident of Texas, WILLIAM BRADFORD HUIE, resident of Alabama, and ARTHUR J. HANES, resident of Alabama	$	

AMENDED PETITION

Your petitioner would respectfully show the Court:

That this cause is subject to federal jurisdiction, in that there is a diversity of citizenship (see caption) and that the subject matter of this suit is in excess of $10,000; and also that the defendants entered into a conspiracy to violate your petitioner's civil rights and that subsequent to the overt acts stated below, that they did in fact by fraudulent use of the Court process and other matters stated below violate his civil rights; said violation in direct contravention of the rights as protected by 42 U.S.C. 1985. Defendants acted in such a manner as to make a farce and mockery of justice and completely denied the petitioner of his constitutional right to effective counsel.

That he is presently in the Tennessee State Penitentiary at Nashville serving time under a sentence of 99 years imposed by the Criminal Court of Shelby County, Tennessee, the Honorable Judge Preston Battle (now deceased) then presiding.

That he was imposed upon by the respondents in the following manner: Petitioner first consulted with Arthur J. Hanes, an attorney at law in the State of Alabama, and that they reached a tentative agreement for the said Hanes to defend him on a charge of murder. The petitioner charges that he was before and at all

ENCLOSURE 44-38861-5759

times since in jail without bail and under every restrictive security. Petitioner would show that after the original meeting with Hanes that he and Hanes started a line of discussion relative to Hanes' fee and expenses.

That Hanes revealed to the petitioner that he had been approached by the respondent, Huie, and that Huie would be willing to pay large sums of money for the exclusive rights to the story of your petitioner's life, including any and all facts surrounding the petitioner's alleged involvement in the slaying of Martin Luther King (whom petitioner at that time stood charged with murdering). After being assured by Mr. Hanes that his rights pending the homicide case would not be prejudiced or imperiled, the petitioner entered into a contract with respondent Hanes and with respondent Huie (a copy of which, together with other material contracts and correspondence, is attached to the original petition).

Your petitioner now realizes and so charges that the original and all subsequent contracts were not in any way for the petitioner's benefit; nor were they ever so intended to be. On the contrary, it is charged that respondent Hanes entered into collusion with respondent Huie, each having the specific intent to exploit your petitioner's plight to their own monetary benefit. Your petitioner was under extreme emotional and mental stress, whereby he was made more susceptible to the urgings of the attorney who was allegedly acting in his behalf. Respondent Hanes realized that your petitioner was a stranger to the tangles of the law, and therefore proceeded to "take him in."

Your petitioner would show that he at all times depended wholly upon the advice of Mr. Hanes until such time as Percy Foreman, the lawyer from the Texas Bar, entered into the case. At this point in time, the petitioner released Mr. Hanes and depended fully upon the advice of said Percy Foreman.

Your petitioner would show that he initially entered into a contract with Mr. Hanes, but that through an amendatory agreement induced by Mr. Percy Foreman, he signed a contract by virtue of

which Mr. Hanes was released upon the promise to be paid some $35,000 by Mr. Huie. Under the amendatory contract, Mr. Foreman was to receive all rights formerly to have been Mr. Hanes'. However, Mr. Foreman was to receive further rights in regard to exclusive stories, motion picture contracts, re-run contracts, television rights, etc. In other words, Mr. Percy Foreman was to receive everything which might otherwise have been the property of James Earl Ray, in return for defending James Earl Ray.

The petitioner believes that the defendant Foreman has some sort of power of attorney so that on the face of said power of attorney, Foreman, if not restrained, will in all probability further act in the name of the petitioner to the petitioner's detriment in these and other matters.

Your petitioner was not versed in the law relative to contracts in general or, more specifically, contracts between attorney and client. Nor was he sufficiently knowledgeable or informed about the peril of his course, as made obvious by the fact that said agreements could and would adversely affect the defense in his criminal case.

Petitioner charges that the respondent Foreman advised, then cajoled, then pressured him into pleading guilty to the aforementioned charge of murder in the first degree. Among other things, the said Foreman told him that this course was the only way to save petitioner's life - all of this in spite of the fact that petitioner had at all times protested his innocence to Mr. Foreman.

Petitioner now believes and charges that neither respondents ever intended for him to have a fair trial and testify in his own behalf, as this would then make the facts and testimony public property and no one would or could have exclusive rights in the matter.

Petitioner charges that Foreman informed him that the only way to raise enough money to pay his fee was to sign over such rights as he had. Petitioner at this time had full faith in his attorney and acted strictly in accordance with his attorney's advice. He did not know that such acts actually prejudiced his rights in the criminal case and caused to arise a serious conflict of interest which rendered it impossible for Mr. Foreman to well and truly

represent him. There was no way for the petitioner to know that Mr. Foreman had, in fact, positioned himself in such a manner as to have a strong monetary interest in having his client found guilty and sentenced to a 99 year term for a crime which he did not commit. Mr. Foreman did not tell the petitioner, nor did the petitioner know, that there have been no executions in this state within the past decade and that the "bargaining" for the 99 year sentence could have easily been done by almost any student fresh out of law school. No ability, experience, or exhaustive research would be necessary to obtain the said results, particularly in view of the fact that petitioner at all times prior thereto proclaimed his innocence.

Petitioner would further show that the presiding judge, Judge Preston Battle, in an effort to keep down unnecessary publicity had enjoined all parties, including the attorneys, from releasing to the Press any statements relating to the petitioner and/or his case. That in spite of this injunction, respondent Foreman released statements to the co-respondent Huie, said statements purported to be from this petitioner. That such statements, even when and if the same were made by the petitioner, were statements of a confidential nature and privileged between client and attorney.

Petitioner charges that there has since appeared in a national magazine an article in which Huie sets forth certain statements purportedly made by the petitioner. Even if such statements were true, which petitioner denies, they could only have been based upon statements made to his lawyer, therefore bringing them under the rule of privilege between attorney and client (a copy of said magazine is filed to the original petition).

Finally, petitioner charges that not only does the above conduct violate the relationship of attorney and client, but also violates Canon No. 6 of the professional ethics set forth by the American Bar Association and which have been adopted by the state. Petitioner avers that the relationship of attorney and client existed at all times whenever he talked with any of his lawyers, but that he was never told, nor did his lawyer explain to him, the

true monetary aspects of the case or that the reception of such money under the conditions of the contract hereto attached would imperil petitioner's rights in the homicide case and violate the mandates of the Honorable Judge Preston Battle, now deceased.

From what he has now learned and believes, petitioner charges that his final attorney, Mr. Percy Foreman, was the agent of the co-respondent William B. Huie and was in fact looking out for his own (Foreman's) and his principal's (Huie) monetary interests, rather than the rights of this petitioner.

The action of the defendants as related above proves not only fraudulent breach of all agreements with petitioner, but also among civil offenses, shows that the defendants entered into a conspiracy to violate petitioner's civil rights, said conspiracy beginning prior to the original trial and continuing up to and until the present and even into the future. Petitioner would show that unless directly restrained by this court, they will further so prejudice the rights guaranteed the petitioner by the Constitution of the United States, of Federal Statute (22-1985), and State law.

Petitioner would show in corroboration of his belief and charge that Percy Foreman, who was allegedly representing him, coerced your petitioner into signing some sort of petition for waiver and other unlawful and unconstitutional petitions attached to the previous amended petition. Among those rights which respondent Foreman attempted to coerce your petitioner to waive were: 1) his motion for a new trial; 2) successive appeals to the Supreme Court of Criminal Appeals of the Supreme Court of Tennessee; and 3) petition for review by the Supreme Court of the United States (see page 2 of Voir Dire of Defendant of Waiver and Order).

Petitioner would point out to the court that there is no precedent for such a waiver in law or equity and that as an experienced attorney, Mr. Foreman must have realized not only the impropriety, but the gross injustice he was fostering upon his own client in direct contradiction to all of those legal rights guaranteed him by the constitution of both this state and the United States.

All exhibits heretofore filed are fully adopted as though filed herewith.

WHEREFORE, PREMISES CONSIDERED, PETITIONER PRAYS:

1. That he be allowed to file this petition and that proper process issue and be served upon the respondents and/or their agents, requiring them to appear at the earliest day convenient to be set by this Court, and to answer this complaint fully, but not under oath, their oath to the same being waived.

2. That a preliminary injunction issue enjoining the respondents from the further exposure of the alleged facts surrounding the slaying of Martin Luther King, insofar as such alleged facts affect the petitioner, or purport to involve this petitioner with said killing. Petitioner prays that upon the final hearing of this cause that said injunction be made final.

3. That any and all contracts entered into by the parties described above be voided or nullified and that all parties respondent be perpetually enjoined from pursuing their course by reason of any alleged contractual agreements or powers of attorney.

4. That all costs pursuant to petition be taxed against the respondents.

5. That he be granted such other general relief as the equities of this cause may demand.

S/
ROBERT W. HILL, JR.
Attorney for Petitioner

S/ by RWH Jr
J. E. STONER
Attorney for Petitioner

STATE OF TENNESSEE:

COUNTY OF DAVIDSON:

I, JAMES EARL RAY, first having been duly sworn, make oath that the matters and facts stated in the foregoing petition are true to the best of my knowledge, information and belief and that owing to my poverty, I am unable to bear the expense of the suit which I am about to bring.

S/
JAMES EARL RAY

Sworn to and subscribed before me,

this the 17 day of May, 1969.

Tommy Rash

NOTARY PUBLIC

My commission expires: _____

FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
MAY 26 1969
TELETYPE

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. [illegible]	
Mr. [illegible]	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FBI MEMPHIS

222 PM URGENT 5-26-69 MCP

TO DIRECTOR 44-38861

FROM MEMPHIS 44-1987 2 P

MURKIN.

RE MEMPHIS AIRTEL TO BUREAU DATED APRIL EIGHT LAST ENCLOSING TWO COPIES OF AN AMENDED AND SUPPLEMENTAL MOTION FOR A NEW TRIAL FILED ON BEHALF OF JAMES EARL RAY AND MEMPHIS RADIOGRAM TO BUREAU DATED APRIL SIXTEEN LAST.

A HEARING IN THIS MATTER WAS HELD ON THIS DATE BY THE HONORABLE ARTHUR C. FAQUIN, SHELBY COUNTY CRIMINAL COURT JUDGE, DIVISION THREE, MEMPHIS, TENN. PRIOR TO HEARING ARGUMENTS ON THE MOTION IN QUESTION AND BASED UPON A MOTION BY THE DEFENSE, JUDGE FAQUIN INSTRUCTED THAT THE PARAGRAPHS COMMENCING WITH ROMAN NUMERAL ONE THROUGH ROMAN NUMERAL EIGHT BE STRICKEN FROM THE PURPORTED "AMENDED AND SUPPLEMENTAL MOTION FOR A NEW TRIAL" WHICH WAS FORWARDED TO THE BUREAU WITH RE AIRTEL. ROBERT K. DWYER, ASSISTANT STATE ATTORNEY GENERAL, MEMPHIS, ADVISED THAT THE ATTORNEYS FOR JAMES EARL RAY REQUESTED THAT THESE PARAGRAPHS BE STRICKEN FROM THE MOTION AS RAY WOULD HAVE BEEN REQUIRED TO TAKE THE

END PAGE ONE

REC 104 44-38861-5760

25 MAY 27 1969

See Rosen to DeLoach memo 5/26/69 re MURKIN

54 JUN 2 - 1969

STAND IN ORDER TO SUBSTANTIATE THE ALLEGATIONS CONTAINED THEREIN.

AT TWELVE FORTY FIVE P.M., CDST, JUDGE FAQUIN RULED IN FAVOR OF THE STATE OF TENNESSEE AND DENIED RAY'S PURPORTED "AMENDED AND SUPPLEMENTAL MOTION FOR A NEW TRIAL." JUDGE FAQUIN ORDERED THAT RAY BE RETUNED TO THE STATE PRISON AT NASHVILLE, TENN., TO SERVE HIS SENTENCE.

JUDGE FAQUIN POINTED OUT TO THE ATTORNEYS REPRESENTING RAY, NAMELY, ROBERT HILL, RICHARD RYAN AND J. B. STONER, THAT RAY DOES HAVE OTHER LEGAL RECOURSE; HOWEVER, THE MOTIONS FILED TO DATE WERE NOT IN PROPER FORM TO BE CONSIDERED EITHER A WRIT OF HABEAS CORPUS OR A MOTION FOR A NEW TRIAL UNDER THE STATE OF TENNESSEE POST CONVICTION ACT.

BUREAU WILL BE KEPT ADVISED OF ANY ADDITIONAL PERTINENT DEVELOPMENTS IN THIS MATTER. P.

END

CXB

FBI WASH DC

TELETYPE UNIT

MAY 26 3 27 PM '69

COMMUNICATIONS SECTION
FBI
MAY 23 1969
TELETYPE

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI WASH DC

FBI MEMPHIS

530 PM URGENT 5-23-69 DND

TO DIRECTOR (44-38861)

FROM MEMPHIS (44-1987)

MURKIN

SUBJECT JAMES EARL RAY HAS BEEN RETURNED TO THE SHELBY COUNTY JAIL AT MEMPHIS, TENN., FROM THE TENNESSEE STATE PRISON AT NASHVILLE, TENN., FOR A HEARING ON MAY TWENTYSIX NEXT ON HIS MOTION FOR A NEW TRIAL.

JERRY RAY WAS DISCOVERED BY BUREAU BUAGENTS TODAY VISITING THE SUBJECT AT THE SHELBY COUNTY JAIL. AS JERRY RAY WAS LEAVING THE JAIL, HE WAS APPROACHED IN THE CORRIDOR BY BUAGENTS WHO REQUESTED THAT HE ACCOMPANY THEM TO SOME PLACE SUITABLE FOR INTERVIEW. JERRY AGREED TO GO WITH THE AGENTS INTO ONE OF THE SHERIFF'S DEPARTMENT OFFICES, AND AS JERRY AND BUAGENTS WERE ENTERING THIS OFFICE, THERY WERE JOINED BY THE SUBJECT JAMES EARL RAY'S ATTORNEY, J. B. STONER. STONER REFERRED TO THE BUREAU AS THE FEDERAL BUREAL OF INTEGRATION AND ADVISED JERRY NOT TO ANSWER ANY QUESTIONS. INTERVIEWING AGENTS

END PAGE ONE

COPY SENT TO MR. TOLSON

44-38861-5761

REC-15

59 JUN 10 1969

MR. DELOACH FOR THE DIRECTOR

11 MAY 28 1969

RECEIVED
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MAY 27 1 30 PM 1969

F. B. I.
U S DEPT OF JUSTICE

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FBI

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MAY 27 1 33 PM '69

RECD-CIV RIGHTS
FBI

MAY 26 9 50 AM '69

RECEIVED-DIRECTOR
F. B. I.

MAY 24 2 28 PM 1969

RECEIVED-TOLSON'S OFFICE

MAY 24 2 05 PM '69

REC'D DELOACH
F B I

MAY 24 12 44 PM 1969

RECEIVED-TOLSON
F B I

MAY 26 3 59 PM 1969

REC'D DOM INTELL DIV

MAY 26 9 33 AM '69

REMINDED JERRY THAT HE HAD BEEN WIDELY QUOTED IN THE NEWSPAPERS AS HAVING SAID THAT JAMES EARL RAY WAS A PART OF A CONSPIRACY TO MURDER MARTIN LUTHER KING. JERRY WAS ADVISED THAT IF HE HAS ANY INFORMATION OF A CONSPIRACY HE SHOULD TURN IT OVER TO THE FBI. STONER AGAIN ADVISED JERRY RAY NOT TO TALK, AND JERRY RAY THEN SAID HIS INFORMATION WOULD BEST BE GIVEN AT A TRIAL. JERRY WAS REMINDED THAT AT THIS TIME THERE IS NO REASON TO BELIEVE THERE WILL BE A TRIAL, AND JERRY RAY WAS ASKED IF BY THE TERM TRIAL HE MEANT HE INTENDED TO TESTIFY BEFORE A GRAND JURY. STONER AGAIN CAUTIONED RAY NOT TO TALK AND SAID HE IS CONVINCED JAMES EARL RAY WILL BE GIVEN A TRIAL FOR THE KILLING OF KING.

AS THE AGENTS TURNED TO LEAVE STONER AND RAY, STONER CALLED OUT TO THE AGENTS TO "BE GOOD" AND TO "PROTECT ALL THE NIGGERS." MOMENTS LATER RAY AND STONER WERE OBSERVED TALKING TO A REPORTER FROM ONE OF THE LOCAL NEWSPAPERS.

NO FURTHER CONTACT IS CONTEMPLATED WITH EITHER JERRY RAY OR WITH STONER.

END PAGE TWO

over

PAGE THREE

SAC AT MEMPHIS HAS RECEIVED INQUIRY FROM LOCAL NEWS REPORTER. REPORTER WANTED TO CONFIRM THAT AGENT HAD BEEN IN CONTACT WITH JERRY RAY AND WANTED TO KNOW WHAT MATTERS HAD BEEN DISCUSSED. REPORTER WAS ADVISED THAT NO COMMENT COULD BE MADE BY THE SAC RE THIS MATTER. SAC DID CONFIRM THAT AGENT BY THE NAME OF JOE C. HESTER IS ASSIGNED TO THIS OFFICE, BUT DECLINED FURTHER COMMENT RE NATURE OF INTERVIEW. REPORTER DID HAVE NAME OF AGENT, WHICH HE HAD RECEIVED FROM HIS EDITOR. NO OTHER INQUIRIES RECEIVED, HOWEVER, MEMPHIS DIVISION WILL CONTINUE WITH NO COMMENT IN REGARD TO INQUIRIES FROM NEWSPAPERS AND OTHER COMMUNICATIONS REPRESENTATIVES.

AM COPIES TO BIRMINGHAM, CHICAGO, KANSAS CITY, SAVANNAH, AND ST. LOUIS. P.

~~CORR PAGE TWO LINE 8 BETWEEN BXX WORD 12 AND 13 SHLD BE "TERM~~

END

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FBI WASH DC

TUP

CC-MR. ROSEN

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GENERAL INVESTIGATIVE
DIVISION STLO

MAY 23 6 58 PM '69

F. B. I.

U. S. DEPT. OF JUSTICE

RECEIVED
TELETYPE UNIT
MAY 23 6 38 PM '69

COMMUNICATIONS SECTION

TELETYPE

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI WASH DC

FBI MEMPHIS

530 PM URGENT 5-23-69 DND

TO DIRECTOR (44-38861)

FROM MEMPHIS (44-1987)

MURKIN

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END PAGE ONE

44-38861 - File 44-38861

NOT RECORDED
152 MAY 28 1969

MR. DELOACH FOR THE DIRECTOR

56 MAY 28 1969

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~~CORR PAGE TWO LINE 8 BETWEEN BXX WORD 12 AND 13 SHLD BE "TERM"~~

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FBI WASH DC

TUP

CC-MR. ROSEN

cc Bishop

May 24, 1969

GENERAL INVESTIGATIVE DIVISION

This is case involving murder of Martin Luther King, Jr.

Attached advises that Jerry Ray, brother of James Earl Ray, refused to be interviewed on the advice of attorney J. B. Stoner. Jerry Ray previously made statements in the press today he had evidence concerning a conspiracy involving the murder of Martin Luther King.

Stoner is Vice Chairman of the National States Rights Party, an anti-Semitic and anti-Negro organization with headquarters based in Savannah, Georgia. Stoner is also one of three attorneys of record for James Earl Ray.

A hearing is set at Memphis, Tennessee, on 5/26/69 and at this time the judge will act on motions filed by attorneys of James Earl Ray requesting a new trial.

You will be advised of pertinent developments.

REL:mfd

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: May 26, 1969

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. McGowan
1 - Mr. Long
1 - Mr. Bishop
1 - Mr. Sullivan

SUBJECT: MURKIN

This is the case involving the murder of Martin Luther King, Jr.

Assistant Special Agent in Charge Clifton O. Halter of our Memphis Office has advised that Judge Arthur Faquin, Criminal Court, Memphis, Tennessee, today has granted the motion of the State to dismiss motion for a new trial for James Earl Ray filed by Ray's attorney.

ACTION:

You will be kept advised of pertinent developments.

REL:jld
(8)

44-38861-3162

31 MAY 28 1969

ENCLOSURE

51 JUN 4 1969

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UPI-110
(RAY)

MEMPHIS--CRIMINAL COURT JUDGE ARTHUR FAQUIN TODAY TURNED DOWN A REQUEST FOR A NEW TRIAL BY JAMES EARL RAY, THE ADMITTED KILLER OF MARTIN LUTHER KING.

FAQUIN RULED THAT RAY "KNOWINGLY, INTELLIGENTLY AND PROPERLY" PLEADED GUILTY TO THE KING SLAYING DURING HIS TRIAL MARCH 10. AFTER ACCEPTING A PRE-ARRANGED 99-YEAR PRISON SENTENCE, RAY CHANGED HIS MIND AND SAID HIS LAWYER HAD PRESSURED HIM INTO PLEADING GUILTY.

FAQUIN SAID THERE WAS AMPLE EVIDENCE FROM THE MINUTES OF THE TRIAL THAT THE GUITY PLEA WAS PROPER.

RAY, WARING A BROWN CHECKED SPORT COAT, OLIVE TROUSERS AND A YELLOW TIE, SAT QUIETLY DURING THE HEARING, CONFERRING ONLY ONCE WITH HIS ATTORNEY. HE WAS BROUGHT HERE FROM THE STATE PRISON AT NASHVILLE UNDER HEAVY GUARD LAST THURSDAY.

FAQUIN INHERITED THE CASE WHEN THE TRIAL JUDGE, W. PRESTON BATTLE, DIED MARCH 31.

5/26--SW217PED

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WASHINGTON CAPITAL NEWS SERVICE